PATENT
Attorney Docket No. GNA7005152001

REMARKS

Amendments to claims 1 and 16 are for the purpose of clarifying what Applicant regards as the invention. Support for new claims 23 and 25 can be found at least on page 15, lines 6-17 of the specification. Support for new claims 24 and 26 can be found at least on page 7, lines 24-32 of the specification. No new matter has been added.

I.   CLAIM REJECTIONS UNDER § 102

Bisgaard

Claims 1-6 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,741,712 (Bisgaard). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claim elements must be found, either expressly or inherently, in the cited reference.

Claim 1 has been amended to recite generating a first data set representing a value or values of one or several hearing aid associated variable(s), writing the first data set to a respective storage areas within the persistent data space, generating a second data set representing an *updated value or values* of the one or several hearing aid associated variable(s), and writing the second data set to *a different respective storage area* within the persistent data space (Emphasis Added). Claim 16 recites similar limitations. Bisgaard does not disclose or suggest the above limitations. Rather, Bisgaard discloses a hearing aid with a counter for registering the time for which the hearing aid has been in use. At a given maximum utilization time, the hearing aid may stop functioning, thereby allowing the hearing aid to be sold in connection with a subscription arrangement (column 1, lines 32-38; column 2, lines 40-47). Notably, Bisgaard discloses updating the counter and storing the updated counter value, but does not disclose or suggest storing the updated counter value in conjunction with an old counter value (column 5, lines 11-27). It is understood that in Bisgaard, the updated value *replaces* the old value, and is not stored in conjunction with the old value. As explained in the subject application, storing updated value without overwriting the previous value is advantageous in that, should the latest data value become corrupted (e.g., due to a power failure during a writing process), the previous data value will be available for use since it was written to the

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memory before the power failure. For at least the foregoing reasons, claims 1 and 16, and their respective dependent claims, are believed allowable over Bisgaard.

Applicant further submits that claims 1 and 16 are also allowable over Bisgaard for the additional reason that Bisgaard does not disclose or suggest indicating one of the first and second data sets as a valid data set, by setting a value of at least one data variable in the persistent data space, as recited in claims 1 and 16. In Bisgaard, the counter value is always a valid data. As such, Bisgaard does not require a data variable to indicate a valid data set, and does not disclose or suggest the above limitation.

Sigwanz

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,838,806 (Sigwanz).

Claim 1 recites generating a second data set, representing an *updated value or values* of the one or several hearing aid associated variable(s), by the processor, and writing the second data set to a different respective storage area within the persistent data space (Emphasis Added). Sigwanz does not disclose or suggest the above limitations. Rather, Sigwanz discloses a hearing aid that includes a memory for storing input values VE and corresponding output values VA (column 4, lines 33-48; figure 1). During use, the hearing aid determines an input value and looks up a corresponding output value in the memory to thereby reduce processing requirements (e.g., eliminate mathematical calculation of the output value). Notably, the input values VE and output values VA stored in the memory are not *updated* values, but are instead constant values that are used over and over. For at least the foregoing reason, claim 1 and its dependent claims are believed allowable over Sigwanz.

Applicant further submits that claim 1 is also allowable over Sigwanz for the additional reason that Sigwanz does not disclose or suggest indicating one of the first and second data sets as a valid data set, by setting a value of at least one data variable in the persistent data space, as recited in claim 1. In Sigwanz, all of the values stored in the memory are understood to be valid data. As such, Sigwanz does not require a data variable to indicate a valid data set, and does not disclose or suggest the above limitation.

CONCLUSION

Based on the foregoing, all claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

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